

# **November 2015**

## **Commission Meeting Summaries**

These are summaries of orders voted by the Federal Energy Regulatory Commission at its November 19, 2015 public meeting. The summaries are produced by FERC's Office of External Affairs and are intended to provide only a general synopsis of the orders. These summaries are not intended as a substitute for the Commission's official orders. To determine the specific actions and the Commission's reasoning, please consult the individual orders when they are posted to FERC's eLibrary found at [www.ferc.gov](http://www.ferc.gov).

### **E-1 and E-3 – Press Release**

### **E-2 – Press Release**

### **FERC accepts a compliance filing**

**E-4**, *California Independent System Operator Corporation*, Docket No. ER15-861-004. This order accepts CAISO's August 28, 2015 compliance filing proposing revisions to its tariff to specify readiness requirements and criteria that will apply to all prospective Energy Imbalance Market (EIM) Entities. The order accepts a series of readiness criteria a prospective EIM Entity must meet before CAISO and the prospective EIM Entity can certify the entity's readiness to begin financially binding EIM participation. The order also accepts CAISO's proposal to use pre-established thresholds to measure satisfaction of the readiness criteria, as well as CAISO's proposed process for granting exceptions to the thresholds and resolution to the exception before initiation of financially-binding operations.

### **FERC conditionally accepts in part market-based rate tariff provisions**

**E-5**, *Nevada Power Company*, Docket No. ER15-2281-000, *et al.* This order accepts in part, subject to conditions, and rejects in part Nevada Power Company's and Sierra Pacific Power Company's (collectively, NV Energy), and PacifiCorp's (together with NV Energy, Berkshire EIM Sellers) market-based rate tariff revisions that reflect their participation in the Energy Imbalance Market (EIM) administered by the California Independent System Operator Corporation (CAISO), as expanded to include NV Energy. The order finds that the Berkshire EIM Sellers' market power analyses are deficient and fail to demonstrate a lack of market power in the expanded EIM. The order also outlines concerns regarding the ability of CAISO local market power mitigation to mitigate the Berkshire EIM Sellers' market power in the expanded EIM and therefore imposes the

following two conditions on the Berkshire's EIM Sellers' participation in the EIM at market-based rates: (1) the Berkshire EIM Sellers offer their units that are participating in the EIM into the EIM at or below each unit's Default Energy Bid, and (2) the Berkshire EIM Sellers facilitate CAISO's enforcement of all internal transmission constraints in the PacifiCorp and NV Energy balancing authority areas.

### **FERC grants clarification request**

**E-7**, *Revisions to Public Utility Filing Requirements*, Docket No. RM15-3-001. This order grants a request for clarification filed by Dominion Resources Services, Inc. of a final rule that revised certain aspects of the Commission's regulations regarding FERC Form No. 566 - Annual Report of a Utility's 20 Largest Customers. The clarification explains that an entity that is both an exempt wholesale generator (EWG) and a qualifying facility is exempt from the filing requirement because, as an EWG, it qualifies for exemption.

### **FERC denies rehearing**

**E-8**, *Availability of E-Tag Information to Commission Staff*, Order No. 771-B, Docket No. RM11-12-001. The order denies rehearing of Order No. 771 with respect to access to e-Tag data for the Commission and for Regional Transmission Organizations (RTOs), Independent System Operators (ISOs), and Market Monitoring Units (MMUs). This order also clarifies (1) the responsibilities of Balancing Authorities under the Rule, (2) the scope of the access to e-Tags to be provided to RTOs, ISOs, and MMUs, (3) the confidentiality agreements that can be demanded of RTOs, ISOs, and MMUs before they are afforded access to e-Tags, (4) whether the access to e-Tags extended to RTOs, ISOs and MMUs should also be extended to Balancing Authorities, and (5) what is encompassed in a "complete e-Tag."

### **FERC approves revised reliability standards**

**E-9**, *Revisions to Emergency Operations Reliability Standards; Revisions to Undervoltage Load Shedding Reliability Standards; Revisions to the Definition of "Remedial Action Scheme" and Related Reliability Standards*, Docket Nos. RM15-7-000, RM15-12-000, and RM15-13-000. This final rule approves revisions to Reliability Standards EOP-011-1 and PRC-010-1, submitted by the North American Electric Reliability Corporation (NERC). The order also approves a revised definition of the term "Remedial Action Scheme" set forth in the NERC Glossary of Terms Used in Reliability Standards, and modifications of specified Reliability Standards to incorporate the revised definition.

## **FERC approves reliability standards**

**E-10**, *Transmission Operations Reliability Standards and Interconnection Reliability Operations and Coordination Reliability Standards*, Docket No. RM15-16-000. This final rule approves revisions to the Transmission Operations and Interconnection Reliability Operations and Coordination Reliability Standards, developed by the North American Electric Reliability Corporation. The final rule also directs NERC to make three modifications to the standards within 18 months of the effective date of the final rule.

## **FERC denies rehearing, grants clarification**

**E-11**, *Midwest Independent Transmission System Operator, Inc.*, Docket No. ER11-4081-001. This order denies rehearing and grants clarification, in part, of the Commission's June 11, 2012 order on MISO's resource adequacy proposal.

## **FERC conditionally accepts proposed tariff revisions**

**E-12**, *Midwest Independent Transmission System Operator, Inc.*, Docket No. ER11-4081-002. This order accepts, subject to condition, MISO's proposed revisions to its resource adequacy construct in compliance with the Commission's June 11, 2012 order in this proceeding.

## **FERC accepts a filing**

**E-13**, *Northern States Power Company, a Minnesota Company*, Docket No. ER15-698-000, *et al.* The order accepts revisions to the Interchange Agreement to insert an allocation method for NSP Companies to share the costs incurred by NSP Minnesota associated with the cancelled Prairie Island Extended Power Uprate related to the Prairie Island Project.

## **FERC denies a filing**

**E-14**, *Idaho Power Company*, Docket No. ER15-2292-000. The order denies Idaho Power's request to verify that the demand inputs to its transmission formula rate may, upon closing of a transaction with PacifiCorp, reflect (1) the cancellation of 1,836 megawatts (MW) of terminated Legacy Agreements with PacifiCorp, and (2) the addition of 310 MW of demand associated with Long-Term Firm Point-To-Point Transmission Service reservations with PacifiCorp that replace the cancelled Legacy Agreements. In addition, the order also denies Idaho Power's alternative request, in the event the Commission finds that Idaho Power does not have existing authority under its transmission formula rate to reflect upon closing the cancellation of the Legacy Agreements or the Long-Term Firm Point-To-Point Transmission Service, to (1)

authorize Idaho Power to make a one-time adjustment of the inputs to the demand portion of its formula rate to reflect the cancellation of the Legacy Agreements and/or the addition of the Long-Term Firm Point-To-Point Transmission Service, and (2) grant a limited, one-time waiver of several provisions within its formula rate necessary to effect any the adjustment.

### **FERC affirms an Initial Decision**

**E-15**, *PJM Interconnection, L.L.C. and American Transmission Systems, Inc.*, Docket No. ER12-2399-000 and 003. This order affirms an Initial Decision's determination that proposed revisions to Attachments M-1 and M-2 of PJM's Open Access Transmission Tariff should apply to Old Dominion Electric Cooperative (ODEC) and certain ODEC load, and thus that FirstEnergy Service Company – and not ODEC – is responsible for calculating and reporting to PJM certain ODEC load data.

### **FERC accepts proposed tariff records**

**E-17**, *PJM Interconnection, L.L.C.*, Docket Nos. ER15-2260-001 and EL14-24-000. On March 20, 2014, the Commission instituted an inquiry in accordance with section 206 of the Federal Power Act (FPA) to ensure that PJM's scheduling, particularly its day-ahead scheduling practices, correlate with revisions to the natural gas scheduling practices ultimately adopted by the Commission in Order No. 809. On July 23, 2015, as amended on August 7, 2015, PJM proposed revisions, under section 205 of the FPA, to the PJM Open Access Transmission Tariff and Amended and Restated Operating Agreement. This order accepts PJM's proposed tariff revisions, as better aligning PJM's scheduling with that of the natural gas industry.

### **FERC accepts proposed compliance filing**

**E-18**, *New York Independent System Operator, Inc.*, Docket No. EL14-26-000. On March 20, 2014, the Commission instituted an inquiry in accordance with section 206 of the Federal Power Act (FPA) to ensure NYISO's scheduling, particularly its day-ahead scheduling practices, correlate with revisions to the natural gas scheduling practices ultimately adopted by the Commission in Order No. 809. On July 23, 2015, NYISO submitted a compliance filing, contending that its existing day-ahead scheduling practices need not be changed. The order finds that NYISO has justified retaining its existing scheduling practices unchanged.

### **FERC accepts a compliance filing**

**E-19**, *ISO New England, Inc.*, Docket No. EL14-23-000. In a prior order, the Commission instituted an inquiry in accordance with section 206 of the Federal Power Act to ensure that ISO-NE's scheduling, particularly its day-ahead scheduling practices,

correlated with revisions to the natural gas scheduling practices later adopted by the Commission in Order No. 809. On July 23, 2015, ISO-NE submitted a compliance filing, contending that its existing day-ahead scheduling practices need not be changed. The order finds that ISO-NE has justified retaining its existing scheduling practices unchanged.

### **FERC grants a tariff waiver**

**E-20**, *Southwest Power Pool, Inc.*, Docket No. ER15-2295-000. The order grants SPP's request for a tariff waiver that would allow it to resettle past invoices that, due to computer software issues, could not all be corrected and resettled within one year as required by its tariff.

### **FERC grants request for a temporary and limited tariff waiver**

**E-22**, *New York Transco, L.L.C.*, Docket No. ER15-572-003. This order grants New York Transco, L.L.C.'s request for a temporary and limited waiver of its transmission formula rate implementation protocols in NYISO's Open Access Transmission Tariff, which require New York Transco to post its Net Adjusted Revenue Requirement (NARR) by September 30, 2015. The order explains that the NARR includes certain inputs that the Commission has set for hearing and settlement judge procedures, and therefore are not available at this time. The order finds good cause in this circumstance to grant the waiver.

### **FERC denies request for a waiver**

**E-23**, *Rancho Cucamonga Municipal Utility*, Docket No. ER15-2550-000. The order denies Rancho Cucamonga Municipal Utility's (RCMU) request for waiver of the tariff requirement of the California Independent System Operator Corporation (CAISO) to timely file monthly Resource Adequacy plans and of the associated penalty provisions. The order finds that, based on the criteria for waiver, RCMU fails to demonstrate that its failure to timely submit Resource Adequacy plans to CAISO warrants relief from the sanctions imposed.

### **FERC denies request for a waiver**

**E-24**, *Eastside Power Authority*, Docket No. ER15-2588-000. The order denies Eastside Power Authority's request for waiver of the tariff requirement of the California Independent System Operator Corporation (CAISO) to timely file monthly Resource Adequacy plans and of the associated penalty provisions. The order finds that, based on the criteria for waiver, Eastside fails to demonstrate that its failure to timely submit Resource Adequacy plans to CAISO warrants relief from the sanctions imposed.

## **FERC approves an uncontested settlement**

**E-25**, *Seminole Electric Cooperative, Inc. and Florida Municipal Power Agency v. Duke Energy Florida, Inc.*, Docket Nos. EL12-39-000, *et al.* This letter order approves an uncontested settlement agreement establishing the rate of return on equity in Duke Energy Florida's formula rate under Duke Energy Carolinas L.L.C.'s Joint Open Access Transmission Tariff.

## **FERC approves an order on remand**

**E-26**, *Black Oak Energy, L.L.C., EPIC Merchant Energy, L.P. and SESCO Enterprises, L.L.C. v. PJM Interconnection, L.L.C.*, Docket No. EL08-14-010. In an opinion issued on August 6, 2013, the United States Court of Appeals for the District of Columbia Circuit remanded to the Commission for further consideration the issue of whether PJM may require the Financial Marketers to repay refunds after the Commission determined on rehearing that its earlier order directing refunds was contrary to Commission policy. In balancing these interests, the Commission has determined in this order that Financial Marketers should be required to repay refunds, with interest, to put the parties back in the positions in which they would have found themselves if the Commission had not erred in requiring refunds in the first place.

## **FERC affirms in part and reverses in part an Initial Decision**

**E-27**, *Entergy Services, Inc.*, Docket No. ER12-1384-001, *et al.* The order affirms in part and reverses in part an Initial Decision addressing Entergy's proposal to include costs associated with the cancellation of the Little Gypsy Repowering Project in Service Schedule MSS-3 of the Entergy System Agreement.

## **FERC denies rehearing**

**E-28**, *Entergy Services, Inc.*, Docket No. ER10-2001-004, *et al.* The order denies rehearing of Opinion No. 523 concerning Entergy Arkansas, Inc.'s proposed depreciation rates, which use depreciation cost inputs that were approved by retail regulators, in its

## **FERC affirms in part and reverses in part an Initial Decision**

**E-29**, *Consumers Energy Co.*, Docket No. ER10-2156-002 and 004. The order affirms in part and reverses in part the Initial Decision in this proceeding concerning time value refunds on a late-filed interconnection agreement between Consumers Energy and Midland Cogeneration Venture Limited Partnership, (Midland). The order holds, consistent with recent Commission precedent, that no time value refunds are required in this case because their imposition would cause the service provider to operate at a loss, contrary to Commission policy; the amounts collected under the interconnection

agreement simply reimbursed actual costs and included no profit or return. The order also requires Midland to reimburse, with interest, all unpaid actual costs for the interconnection service it received.

### **FERC accepts a filing**

**E-30**, *New York Independent System Operator, Inc.*, Docket No. ER12-1653-005. The order accepts NYISO's August 2014 filing to comply with the Commission's prior order that conditionally accepted NYISO's proposals to establish a revised compensation methodology governing the provision of frequency regulation service, as required by Order No. 755.

### **FERC grants authorization**

**E-31**, *California Independent System Operator Corporation*, Docket No. ER15-2272-000. This order grants CAISO's request for authorization to include in the local market power mitigation procedures under section 29.39(d)(2) of the CAISO tariff Energy Imbalance Market transfer constraints between the NV Energy balancing authority area and the CAISO and PacifiCorp East balancing authority areas.

### **FERC accepts a filing**

**E-32**, *California Independent System Operator Corporation*, Docket No. ER14-2017-001. The order accepts the CAISO's September 2, 2014 compliance filing that includes an accuracy metric to evaluate the effectiveness of CAISO's enhancing its Full Network Model to include modeling in CAISO's day-ahead market unscheduled flows and enforcing physical flow limits on its interties.

### **FERC denies a complaint**

**E-33**, *Joint Consumer Representatives v. PJM Interconnection, L.L.C.*, Docket No. EL15-83-000. This order denies a complaint by Joint Consumers requesting that the Commission direct PJM to update its existing 2015 PJM Region Peak Load Forecast values for purposes of certain capacity auctions, so as to reflect the impact of recent enhancements to PJM's load forecasting model. The order explains that Joint Consumers have failed to show that PJM's compliance with its existing Open Access Transmission Tariff provisions was unjust and unreasonable, or that the tariff itself is unjust and unreasonable.

### **FERC denies rehearing**

**E-34**, *Louisiana Public Service Commission v. Entergy Services, Inc.*, Docket EL10-55-002. This order denies rehearing of Opinion No. 519, which denied a complaint by the

Louisiana Public Service Commission arguing that FERC may not use state-determined depreciation inputs in the bandwidth formula used to equalize production costs among the Entergy operating companies. The order reaffirms the Commission's finding that the Louisiana Commission has not shown that it is unjust, unreasonable or unduly discriminatory or preferential for the Commission to use state-determined depreciation rates in the bandwidth formula.

### **FERC denies rehearing**

**E-35**, *North Carolina Waste Awareness, Inc. v. Duke Energy Carolinas, L.L.C. and Duke Energy Progress, Inc.*, Docket No. EL15-32-001. The order denies the request for rehearing filed by the North Carolina Waste Awareness and Reduction Network, Inc. (NC WARN) concerning the Commission's April 15, 2015 order denying NC WARN's complaint against Duke Energy Carolinas, LLC and Duke Energy Progress, Inc. (together, Duke Energy). The Commission reaffirms its decision not to investigate further the claims NC WARN raised in its complaint: whether Duke Energy's capacity construction and procurement-related activities resulted in unjust and unreasonable wholesale energy or transmission rates; whether Duke Energy engaged in market manipulation; and whether Duke Energy failed to comply with Order No. 1000 and related orders and policies.

### **FERC denies rehearing**

**E-36**, *NextEra Desert Center Blythe, L.L.C. v. California Independent System Operator Corporation*, Docket No. EL15-47-001. This order denies NextEra's request for rehearing of the Commission order denying NextEra's complaint against CAISO. The order affirms the Commission's finding that NextEra has not demonstrated that it is entitled to the allocation of Congestion Revenue Rights created by its investment in the Interim West of Devers upgrades.

### **FERC denies rehearing**

**E-37**, *Jeffers South, LLC v. Midcontinent Independent System Operator, Inc.*, Docket No. EL10-86-004. This order denies MISO's request for rehearing of the Commission's July 18, 2013 order that reversed an April 16, 2012 Initial Decision in this proceeding. In its July 2013 order, the Commission found that MISO had violated its obligations regarding the study of network upgrades that are required to accommodate the interconnection of the Jeffers South generation facility (Jeffers South Project) when MISO concluded that Jeffers South was obligated to fund construction of a facility referenced as the Dotson-New Ulm. The order provides guidance regarding the appropriate steps to be taken in processing the Jeffers South Project interconnection request.



## **FERC denies rehearing**

**E-38**, *Hudson Transmission Partners, L.L.C. v. New York Independent System Operator, Inc.* Docket Nos. EL12-98-001 and 002. This order denies Hudson Transmission Partners' (HTP) request for rehearing of the Commission's November 2013 Order that granted in part, and denied in part, HTP's complaint alleging that NYISO improperly implemented its buyer-side market power mitigation exemption test with respect to HTP's merchant transmission facility. The order grants clarification regarding the extent a holder of unused unforced deliverability rights (UDRs) has the ability to retain or sell those rights. The order also finds that NYISO satisfactorily fulfilled its compliance requirements to provide the specific scaling factor used for the HTP Project, to explain in detail how it was calculated, and to support the methodology. The order concludes that the specific methodology used for the HTP Project could not practically be applied to other UDR projects and directs NYISO to file, within 90 days, a further compliance filing containing tariff provisions that provide the conceptual basis and framework for a scaling factor and that are sufficiently broad and flexible to allow for the kinds of variations that exist with respect to UDR projects.

## **FERC denies rehearing**

**E-39**, *New England Power Generators Association, Inc. v. ISO New England, Inc.*, Docket No. EL15-25-001. This order denies rehearing of an earlier order denying a complaint filed by New England Power Generators Association (NEPGA). NEPGA alleged that the interaction between ISO-NE's Peak Energy Rent mechanism (which requires suppliers to make rebates to customers when energy prices exceed a strike price) and new increased Reserve Constraint Penalty Factors (a rate used within the real-time dispatch and pricing algorithm, which serves as a cap on the price that ISO-NE may pay to procure additional reserves) had rendered ISO-NE's tariff unjust and unreasonable. The Commission found in its earlier order denying the complaint that NEPGA had not met its burden under Federal Power Act section 206 of demonstrating that the existing tariff provisions were unjust and unreasonable. This rehearing order reaffirms that finding.

## **FERC grants a request for declaratory order**

**E-40**, *Chevron U.S.A., Inc.*, Docket No. EL 15-62-000. This order grants Chevron's petition for declaratory order, finding that, under section 210 of the Public Utility Regulatory Policies Act of 1978 and section 292.601(c) of the Commission's regulations, Chevron's affiliates that are qualifying facilities with market-based rate authorization and/or generation interconnection facilities are exempt from section 203(a)(1) of the Federal Power Act.

## **FERC approves a waiver request**

**E-41**, *Western Area Power Administration*, Docket No. TS15-1-000. On July 23, 2015, the Deputy Secretary of the United States Department of Energy filed a request for final confirmation and approval of the proposed formula transmission and ancillary service rate schedules for Western Area Power Administration's (Western) Pick-Sloan Missouri Basin Program--Eastern Division. The order confirms and approves on a final basis Western's transmission and ancillary service rates for WUAGP-ATRR for Annual Transmission Revenue Requirement, WAUGP-AS1 for Scheduling, System Control, and Dispatch Service, WAUW-AS3 for Regulation and Frequency Response Service, WAUW-AS4 for Energy Imbalance Service, WAUW-AS5 for Operating Reserve-Spinning Service, WAUW-AS6 for Operating Reserve-Supplemental Service, and WAUW-AS7 for Generator Imbalance Service. The order also approves Western's request for waiver of the Commission's requirements set forth in FERC's regulations to file Statements A through F, a Power Repayment Study, and a Cost of Service Study, respectively.

## **FERC grants request for waiver of tariff provisions**

**E-43**, *City of Alexandria, Louisiana*, Docket No. TS15-1-000. The order grants a request by the City of Alexandria for waiver of the requirements to file an Open Access Transmission Tariff, to establish and maintain an Open Access Same Time Information System, and to comply with the Commission's Standards of Conduct.

## **FERC denies rehearing**

**E-44**, *Chehalis Power Generating, L.P.*, Docket No. ER05-1056-009. This order denies Chehalis' request for rehearing of the Commission's finding that the Commission lacks the authority to order Bonneville Power Administration to return refunds that Chehalis had previously paid to Bonneville.

## **FERC denies rehearing**

**E-45**, *ISO New England Inc.*, Docket No. ER14-1050-002 and EL14-52-001. This order addresses and denies requests for rehearing of a Commission order that directed ISO-NE to adopt a modified version of ISO-NE's proposed performance-based capacity market design, and to increase the Reserve Constraint Penalty Factors in ISO-NE's energy and ancillary services markets.

## **FERC denies rehearing**

**E-46**, *ISO New England Inc.*, Docket Nos. ER14-2419-003 and EL14-52-002. This order addresses and denies requests for rehearing of a Commission order that accepted in part,

subject to condition, and rejected in part ISO-NE's compliance filing to adopt a modified version of ISO-NE's proposed performance-based capacity market design, and to increase the Reserve Constraint Penalty Factors in ISO-NE's energy and ancillary services markets.

### **FERC rejects proposed agreements**

**E-47**, *Nevada Power Company*, Docket Nos. ER15-2623-000 and ER15-2625-000. Nevada Power Company (Nevada Power) filed a proposed Operation and Maintenance Agreement (O&M Agreement) and a proposed License and Sale Agreement (L&S Agreement) between Nevada Power and DesertLink, LLC. Concurrently, Nevada Power and Sierra Pacific Power Company (Sierra Pacific) (jointly, NV Companies) filed a proposed amended and restated Transmission Use and Capacity Exchange Agreement (Amended TUA) among Nevada Power, Sierra Pacific, Great Basin Transmission South, L.L.C. and Great Basin Transmission, L.L.C. The order rejects the proposed O&M Agreement, L&S Agreement, and Amended TUA as premature, without prejudice to Nevada Power or NV Companies refiling the agreements at a later date.

### **FERC grants in part and denies in part revised tariff revisions**

**G-1**, *Alliance Pipeline L.P.*, Docket No. RP15-1022-001. This order addresses requests for rehearing of the Commission's June 30, 2015 order that accepted and suspended Alliance's revised tariff records, subject to refund, and established a hearing. Alliance proposed to modify its service offerings and make other changes to its tariff. Parties sought either rehearing of the Commission's June 2015 order or expedited consideration of Alliance's proposal to eliminate Authorized Overflow Service (AOS) before the end of the suspension period, December 1, 2015. The order finds that, although Alliance may remove the scheduling priority for AOS service over other interruptible service, it may not remove AOS service entirely from its tariff in circumstances where the parties' negotiated rate agreements contemplate the availability of AOS. The order also disposes of various parties' other requests for rehearing and clarification related to the scope of the hearing and other issues.

### **FERC approves an offer of settlement**

**G-2**, *Zydeco Pipeline Company LLC*, Docket No. IS14-607-000, *et al.* This order approves an offer of settlement submitted August 14, 2015 by Zydeco and its petroleum products shippers, Anadarko Petroleum Corporation, ConocoPhillips Company, and Pioneer Natural Resources USA, Inc. (Liquids Shippers Group). The settlement is uncontested and resolves all outstanding issues concerning the rates for transportation on Zydeco's system that transports petroleum between Houston, Texas, and Houma, Louisiana, known as the Ho-Ho System. The order finds the settlement to be fair and reasonable, and in the public interest.

## **FERC affirms an Initial Decision**

**G-3**, *BP Pipelines (Alaska) Inc., et al.* Docket No. IS09-348-000, *et al.* This order addresses briefs on and opposing exceptions to an Administrative Law Judge's Initial Decision regarding rate filings on the Trans Alaska Pipeline System (TAPS). The order affirms the Initial Decision's finding that the costs of the TAPS Strategic Reconfiguration Project were imprudently incurred, and generally affirms the Initial Decision's remedy. The order also affirms the Initial Decision's holdings related to base/test period issues, ad valorem taxes, and oil-spill-related costs. The order also modifies the Initial Decision's holding related to litigation costs.

## **FERC grants request for a declaratory order**

**G-4**, *Enterprise TE Products Pipeline Company LLC*, Docket No. OR15-35-000. The order grants Enterprise TE's petition for declaratory order seeking approval of the proposed rate structure and terms of service for an expansion of Enterprise TE's Aegis pipeline system, known as the Aegis Expansion Project. The Aegis pipeline is a 270-mile pipeline designed to transport purity ethane from Mont Belvieu, Texas, to Napoleonville, Louisiana, with various intermediate delivery points in Texas and Louisiana.

## **FERC denies rehearing**

**G-5**, *KPC Pipeline, LLC*, Docket No. TS13-3-001. The order denies KPC Pipeline, LLC's request for rehearing of the Commission's April 7, 2014 order denying KPC's request for a partial waiver of the Commission's Standards of Conduct.

## **FERC grants a stay**

**H-1**, *Marseilles Land and Water Company*, Project Number 13351-021. The order grants the licensee's request for a 60-day stay of Article 301 of its license, finding that for reasons beyond its control Marseilles L&W will not be able to timely commence project construction.

## **FERC terminates exemption implied by surrender of hydro license**

**H-2**, *Kevin Drone*, Project No. 6142-008. The order terminates, by implied surrender, the exemption for the 240-kilowatt Dardanelles Creek Hydroelectric Project No. 6142, located on the Dardanelles and Pond Creeks in Placer County, California.

## **FERC denies rehearing**

**H-3**, *Pacific Gas and Electric Company*, Project No. 2106-068. The order denies rehearing of Commission staff's August 3, 2015 letter dismissing Pacific Gas and

Electric Company's (PG&E) application to convey certain property rights at the McCloud-Pit Project No. 2106 on the McCloud and Pit Rivers in Shasta County, California, and finds that Commission staff properly dismissed the application as premature when PG&E sought the conveyance to carry out an as-yet ineffective mandatory Forest Service condition proposed in the project's pending relicensing proceeding.

### **FERC denies rehearing**

**H-4, *Confederated Salish & Kootenai Tribes of the Flathead Reservation and Energy Keepers, Inc.***, Project No. 5-101. The order denies the rehearing requests filed by Montana Land and Water Alliance, Montana Public Service Commission, and Senators Verdell Jackson and Bob Keenan of Commission staff's September 1, 2015 order approving a partial transfer of the license for the Séliš Ksanka Q'íispé Project No. 5, located on the Flathead River in Flathead and Lake Counties, Montana. The order finds that the issues raised on rehearing largely relate to a self-executing conveyance established in the final 1985 license for the project, and are not germane to the partial transfer order, and the order affirms that the partial transfer to Energy Keepers, Incorporated is in the public interest.

### **FERC denies rehearing requests**

**H-5, *Seneca Generation, LLC***, Project No. 2280-020. The order denies two requests for rehearing of Commission staff's July 22, 2015 license order that authorized Seneca Generation, LLC to continue operation and maintenance of the Kinzua Pumped Storage Project No. 2280, located on the Allegheny River in Warren County, Pennsylvania. The order denies Seneca Generation's request to remove two Forest Service 4(e) conditions because the Commission has no authority to reject mandatory conditions as unreasonable, and the conditions are not contrary to the law. The order also denies the U.S. Department of the Interior's assertion that the Commission failed to fulfill its consultation obligations under section 7 of the Endangered Species Act by not addressing the snuffbox and sheepnose mussels in the Environmental Assessment or license order.

### **FERC grants rehearing**

**H-6, *Minneapolis Housing Associates IV, Limited Partnership***, Project No. 14628-006. The order grants rehearing of Commission staff's September 4, 2015 order issuing an original license to Minneapolis Housing Associates for the 600-kilowatt A-Mill Artist Lofts Hydroelectric Project No. 14628, to be located in Minneapolis, Minnesota. In doing so, the order amends the license to clarify that the A-Mill Project is only authorized to utilize flow from the St. Anthony Falls project reservoir "that is in excess of that required for operation and maintenance of the St. Anthony Falls Project" as a source of water for the A-Mill project and to prohibit Minneapolis Housing Associates from

construction activities or operation that may affect Xcel's ability to operate the St. Anthony Falls Project for generation and other project purposes.

### **FERC denies in part and grants in part request for rehearing**

**H-7**, *Hudson River-Black River Regulating District, et al.*, Docket No. HB81-09-2-003, et al. The order denies in part and grants in part Erie Boulevard Hydropower L.P.'s request for rehearing of Commission staff's August 21, 2015 order calculating dates for commencement of headwater benefits assessments in the Hudson River Basin. The order also denies a request for rehearing filed by South Glens Falls Limited Partnership and Northern Electric Power Co., dismisses as moot stay requests, and grants clarification.

### **FERC grants rehearing**

**H-8**, *Safe Harbor Water Power Corporation*, Project No. 1025-086. The order grants rehearing of Commission staff's March 16, 2015 order approving a proposal by Safe Harbor Water Power Corporation to increase the normal maximum water surface elevation of the project impoundment. In response to concerns about potential impacts of the elevation increase on migratory shorebirds during the April 15 to October 15 migration season, the order finds that there is not sufficient evidence to justify an increase in the water surface elevation from April 15 to October 15.

### **FERC responds to federal appeals court ruling**

**C-2**, *Tennessee Gas Pipeline Company, L.L.C.*, Docket No. CP11-161-002. This order responds to the ruling of the U.S. Court of Appeals for the D.C. Circuit in *Delaware Riverkeeper v. FERC* that found that the Commission violated the National Environmental Policy Act by: (1) segmenting its environmental review of the Tennessee's Northeast Upgrade Project from that of three other Tennessee pipeline projects on the Eastern Leg of the 300 Line; and (2) failing to provide a meaningful analysis of the cumulative impacts of the four projects to show that the impacts would be insignificant. Based on the supplemental environmental analysis developed in response to the court's mandate, the order concludes that, when considered additively, impacts from the Northeast Upgrade Project and Tennessee's three other projects are not significant. It also concludes that when the projects are considered cumulatively with the Northeast Upgrade Project, there are no significant cumulative impacts. The order adopts the findings in the supplemental analysis and finds that no additional mitigation is required for the Commission's authorization of Tennessee's Northeast Upgrade Project.

### **FERC authorizes abandonment of natural gas facilities**

**C-3**, *National Fuel Gas Supply Corporation and National Fuel Gas Supply, L.L.C.*, Docket No. CP15-100-000. This order grants National Gas Fuel Supply Corp. (Supply

Corp) and National Fuel Gas Supply, LLC's (Supply LLC) joint application for Supply Corp. to abandon by transfer all of its jurisdictional facilities and services to Supply LLC, and for Supply LLC to acquire and operate Supply Corp.'s jurisdictional facilities and services. National Fuel seeks this authorization in order to facilitate a change of the legal ownership of National Fuel from a Pennsylvania corporation to a Delaware limited liability company.

### **FERC conditionally approves an interstate natural gas pipeline project**

**C-4, *Dominion Transmission, Inc.***, Docket No. CP14-555-000. The order grants Dominion's requested authorization to construct and operate pipeline, compression, regulation, valves, and other facilities in Ohio and Pennsylvania for its Lebanon West II Project, subject to conditions.

### **FERC denies rehearing**

**C-5, *Impulsora Pipeline, LLC***, Docket No. CP14-513-001. This order denies a request for rehearing filed by Needmore Dolores, LLC (Needmore) of the Commission's May 14, 2015 order granting Impulsora Pipeline's request for Natural Gas Act section 3 authorization and a Presidential Permit to construct border crossing facilities to transport gas from Texas to a proposed natural gas power plant in Nuevo Leon, Mexico. In its rehearing request, Needmore alleged the Commission erred by issuing the order before Impulsora had acquired the necessary property rights from Needmore, and that the Commission failed to take Needmore's preferences into account, or provide them with an opportunity to comment on FERC staff's Environmental Assessment (EA). Needmore also states that the EA for the project failed to consider the impacts from non-jurisdictional, intrastate pipelines and gathering facilities, and failed to consider adequate alternatives or include proper mitigation measures. The order rejects these arguments. The order also amends the May 14 Commission order and issues Impulsora an amended Presidential Permit, in order to correct the length of the pipeline subject to the jurisdiction of the Commission.